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SUBJECT: KOREA ENVIRONMENT ISSUES: SUPREME COURT RULING ON
SAEMANGEUM PROJECT A SETBACK FOR NGO'S

Summary

¶1. On March 16, South Korea's Supreme Court handed down a final ruling that the Saemangeum Reclamation Project, begun in 1991 but stalled over the last year by a lawsuit, could go ahead. The world's largest coastal reclamation project, the Saemangeum project will convert 40,100 hectares of tidal flats and shallows off the southwestern coast into farmlands and a freshwater reservoir. With the verdict, a long and contentious litigation between the government and local environmental groups ended in favor of development rather than conservation, disappointing local environmental NGOs, local fish-farming interests and a number of international NGOs dedicated to conserving wildlife habitats. Nevertheless, the lengthy controversy has heightened the awareness of environmental issues among the Korean public and has reinforced Korean society's understanding of the need to consider environmental impact in planning major development projects. End Summary.

Huge But Controversial Project

¶2. The Saemangeum Reclamation Project involves the construction of a 33-kilometer-long embankment to protect reclaimed land from the sea. It is located in North Jeolla province, in the estuaries of the Mangyeung and Dongjin Rivers.

¶3. Critics describe the project as a pork-barrel plan by former President Roh Tae-woo to win North Jeolla votes. It was presented as a campaign pledge during the 1987 presidential campaign. In the intervening years, environmental awareness has grown steadily in South Korea and so has opposition to the project. Complicating the problem, President Roh Moo-hyun opposed the project when he was the Minister of Maritime Affairs and Fisheries during the Kim Dae-jung Administration, but changed his position to support it after he won the 2002 presidential election.

¶4. Since ground was broken in 1991, the project has become one of the most controversial of the nation's major development projects. Debates about whether to go ahead with the project or stop construction have arisen repeatedly over the past 15 years.

¶15. As the project dragged on, the estimated total cost has snowballed from 1.3 trillion won (USD 1.3 billion) to 4 trillion won (USD 4.1 billion). The government has spent about two trillion won (USD 2.1 billion) on the project so far. Of the planned 33-kilometer seawall, only a 2.7-kilometer section remains unfinished, halted by a lower court decision in 2005.

Supreme Court Rules In Favor of the Government

¶16. The Supreme Court on March 16 ruled that the project could go ahead, upholding a similar decision dated December 21, 2005, by the appellate-level Seoul High Court. The appeals court decision overturned a February 4, 2005 ruling by the Seoul Administrative Court in favor of the environmental groups. The lower court had ordered the suspension of the project, concluding that no net economic benefits could be expected due to the anticipated economic losses caused by water pollution in the proposed reclamation reservoir, and by the destruction of the tidal-flat ecosystem.

¶17. The Supreme Court recently decided to handle cases involving the nation's major development projects in an expedited manner to minimize social conflict. The procedure was applied for the first time in this case, providing a quick response to the appeal filed by environmental groups in January.

¶18. Eleven of 13 justices, including the Chief Justice, ruled in favor of the project, while the remaining two voted against it. The Court said if the project were cancelled or shelved at this point, the national and social interests of securing farmlands would not be achieved and losses would be incurred because of the enormous investments made to date. The court concluded that the expected environmental damage would not be great enough to outweigh the prospective economic losses of terminating the project. The court stated that protecting the environment is a value enshrined in the Constitution, but said that economic development is also an important constitutional value.

Reactions to the Court's Final Ruling

¶19. Both the central and provincial governments welcomed the court's decision, while local environmental NGOs, fish farmers, and a number of international groups dedicated to conserving the habitats of global wildlife expressed their strong dissatisfaction with the result. Some of the local environmental groups said they would continue their fight against the project. Work is expected to begin on closing the remaining gaps in the seawall later this month. The whole project is currently scheduled for completion by 2012.

¶10. Mindful of increasing costs due to the suspension of the project, public opinion generally welcomed the court's decision. Most daily newspapers printed favorable editorials and featured the decision on their front pages.

Comment

¶11. As one editorialist noted, the controversy over Saemangeum has helped raise public awareness about the importance of the environment. The lengthy and expensive conflict over the project also serves as a reminder to policymakers about the importance of including environmental concerns up front in the policymaking process. End Comment.

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